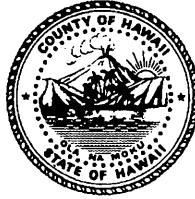


COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 207

ORDINANCE NO. 22 114

AN ORDINANCE AMENDING SECTION 25-8-15 (HĀMĀKUA DISTRICT ZONE MAP), ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAI'I COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL – 10,000 SQUARE FEET (RS-10) TO SINGLE-FAMILY RESIDENTIAL – 15,000 SQUARE FEET (RS-15) AT HONOKA'A, HĀMĀKUA, HAWAI'I, COVERED BY TAX MAP KEY: 4-5-010:136, AND 4-5-024:010.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Section 25-8-15, Article 8, Chapter 25 (Zoning Code) of the Hawai'i County Code 1983 (2016 Edition, as amended) is amended to change the district classification of property described hereinafter as follows:

The district classification of the following area situated at Honoka'a, Hāmākua, Hawai'i, shall be Single-Family Residential – 15,000 square feet (RS-15):

REMAINDER LOT 10

Beginning at the southeast corner of this parcel of land and on the north side of Old Lehua Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAAO" being 688.58 feet South and 1,345.83 feet West and running by azimuths measured clockwise from True South:

Following along Old Lehua Street for the next nine (9) courses, the azimuths and distances between points being:

- | | | | |
|----|----------|-------|-------|
| 1. | 126° 00' | 39.35 | feet; |
|----|----------|-------|-------|

2. Thence along a curve to the left having a radius of 375.00 feet, the chord azimuth and distance being:
113° 00' 168.71 feet;
 3. 100° 00' 240.84 feet;
 4. Thence along a curve to the left having a radius of 100.00 feet, the chord azimuth and distance being:
77° 30' 76.54 feet;
 5. 55° 00' 144.75 feet;
 6. Thence along a curve to the right having a radius of 100.00 feet, the chord azimuth and distance being:
79° 00' 81.35 feet;
 7. 103° 00' 80.33 feet;
 8. Thence along a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being:
143° 45' 65.28 feet;
 9. 184° 30' 327.46 feet;
- Thence along Lehua Street for the next four (4) courses, the azimuths and distances between points being:
10. Thence along a curve to the left having a radius of 430.00 feet, the chord azimuth and distance being:
271° 35' 39" 121.09 feet;
 11. 263° 30' 193.78 feet;
 12. Thence along a curve to the right having a radius of 770.00 feet, the chord azimuth and distance being:
270° 00' 183.23 feet;
 13. 277° 10' 357.88 feet;
 14. 353° 00' 110.00 feet;
 15. 330° 30' 160.00 feet;
 16. 22° 30' 70.67 feet;

17.	112° 30'	79.37	feet along Lot 1;
18.	22° 30'	67.08	feet along Lot 1;
19.	36° 00'	50.00	feet along Lot 1 to the point of beginning and containing an area of 7.137 acres.

LOT 12

Beginning at the northwest corner of this parcel of land and on the westerly side of Lehua Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAAO" being 132.19 feet South and 2,386.68 feet West and running by azimuths measured clockwise from True South:

1. Following along the westerly side of Lehua Street, along a curve to the left, having a radius of 430.00 feet, the chord azimuth and distance being: 302° 59' 42" 242.00 feet;
 2. 4° 30' 335.24 feet along the west side of Old Lehua Street;
 3. Thence along the west side of Old Lehua Street, along a curve to the left having a radius of 100.00 feet, the chord azimuth and distance being: 323° 45' 130.55 feet;
 4. 283° 00' 80.33 feet along the north side of Old Lehua Street;
 5. Thence along the north side of Old Lehua Street, along a curve to the left having a radius of 150.00 feet, the chord azimuth and distance being: 269° 25' 45.5" 70.39 feet;
 6. 345° 51' 31" 106.24 feet along Lot 13;
- Thence along the north side of Hawai'i Belt Road F.A.P. No. F-019-1(1) for the next six courses, the azimuths and distances being:

7. Thence along a curve to the left having a radius of 2,979.79 feet, the chord azimuth and distance being:
88° 27' 12" 363.82 feet;
8. 354° 57' 12" 75.00 feet;
9. Thence along a curve to the left having a radius of 2,904.79 feet, the chord azimuth and distance being:
84° 16' 59" 67.96 feet;
10. 83° 36' 46" 182.97 feet;
11. 173° 36' 46" 20.00 feet;
12. 83° 36' 46" 107.00 feet;
13. 199° 49' 07" 845.41 feet along the center of dry ditch and all its windings and along Lot 11 to the point of beginning and containing an area of 7.185 acres.

No vehicle access is permitted along courses 7 to 12 of the above description. Vehicle access is only permitted along courses 1 to 5 on the west and north sides of Old Lehua Street.

All as shown on the map attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2016 Edition, as amended), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:

- (A) Protection of the public from the potentially deleterious effects of the proposed use, or
 - (B) Fulfillment of the need for public service demands created by the proposed use.
- A. The applicant(s), its successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all of the stated conditions of approval.
- B. The required water commitment payment for the additional lots shall be submitted to the Department of Water Supply in accordance with its “Water Commitment Guidelines Policy” within one hundred and eighty (180) days from the effective date of this ordinance. The Applicant is responsible for maintaining valid water commitments to support the proposed development until such time that required water facilities charges are paid in full.
- C. The Applicant shall construct necessary water system improvements as required by the Department of Water Supply, which may include, but not be limited to: 1) service laterals that will accommodate a 5/8-inch meter to front each lot; 2) cut and plug existing service lateral (Account No. 670- 05650); 3) water mains capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions; minimum diameter of mains shall be six (6) inches; 4) fire hydrants spaced no more than 600 feet apart. On dead-end streets, the last fire hydrant shall be located at one-half the distance from the last house, or unit, fronting the property or driveway or access to the property; and 4) subject to other agencies requirements to construct improvements within the road right-of-way fronting the property affected by the proposed development, the application shall be responsible for the relocation and adjustment of the Department of Water Supply’s affected water system facilities, should they be necessary.

- D. Final Subdivision Approval shall be secured within five (5) years from the effective date of this ordinance.
- E. All subdivision roadway connections and construction within the Lehua Street Right-of-Way shall conform to Chapter 22, County Streets, of the Hawai'i County Code. Access to Lehua Street, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works.
- F. Vehicular access to individual lots shall not be allowed from Lehua Street. The Applicant shall provide a 10-foot wide no vehicular access planting screen easement on the properties with frontage along Lehua Street.
- G. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties. A drainage study shall be prepared by a professional civil engineer licensed in the State of Hawai'i and submitted to the Department of Public Works. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of Final Subdivision Approval.
- H. The Applicant shall comply with Chapter 27, Flood Control, of the Hawai'i County Code.
- I. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentation Control, of the Hawai'i County Code.
- J. A National Pollutant Discharge Elimination System (NPDES) permit and an Underground Injection Control (UIC) permit, if required, shall be secured from the State Department of Health before the commencement of construction activities.

- K. The method of sewage disposal shall meet with the requirements of the Department of Health.
- L. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
- M. As represented by the Applicant, 50% of the proposed 40-lot Planned Unit Development (PUD) project shall be set aside for affordable housing, in accordance with mutually agreeable terms between the Applicant and the County Office of Housing and Community Development, using the provisions of Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy. Said agreement shall be executed prior to receipt of Final Subdivision Approval of any portion of the project. Should the PUD not be developed, the Applicant shall comply with the requirements of Chapter 11, Article 1, Hawai'i County Code relating to Affordable Housing Policy.
- N. The Applicant(s) shall make its fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Subdivision Approval. The fair share contribution for each lot shall be based on the number of lots developed. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a maximum

combined value of **\$15,636.59** per single family residential lot. The fair share contribution per single family residential lot shall be allocated as follows:

- a. **\$7,540.24** per single family residential lot to the County to support park and recreational improvements and facilities;
- b. **\$363.74** per single family residential lot to the County to support police facilities;
- c. **\$718.44** per single family residential lot to the County to support fire facilities;
- d. **\$314.54** per single family residential lot to the County to support solid waste facilities; and
- e. **\$6,699.63** per single family residential lot to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the Applicant(s) may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council. This condition shall not apply to any lots included in the executed affordable housing agreement referenced in Condition M.

- O. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exactions or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.

- P. The Applicant shall comply with all applicable County, State, and Federal codes, laws, rules, regulations, and requirements for the proposed development, including the State Department of Health.
- Q. An initial extension of time for the performance of conditions within the ordinance may be granted by the Director upon the following circumstances:
- a. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the Applicant, successors, or assigns, and that are not the result of their fault or negligence.
 - b. Granting of the time extension would not be contrary to the General Plan or Zoning Code.
 - c. Granting of the time extension would not be contrary to the original reasons for the granting of the change of zone.
 - d. The time extension shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

If the Applicant should require an additional extension of time, the Planning Director shall submit the Applicant's request to the County Council for appropriate action.

- R. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate rezoning of the area to its original or more appropriate designation.

SECTION 3. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall take effect upon its approval.

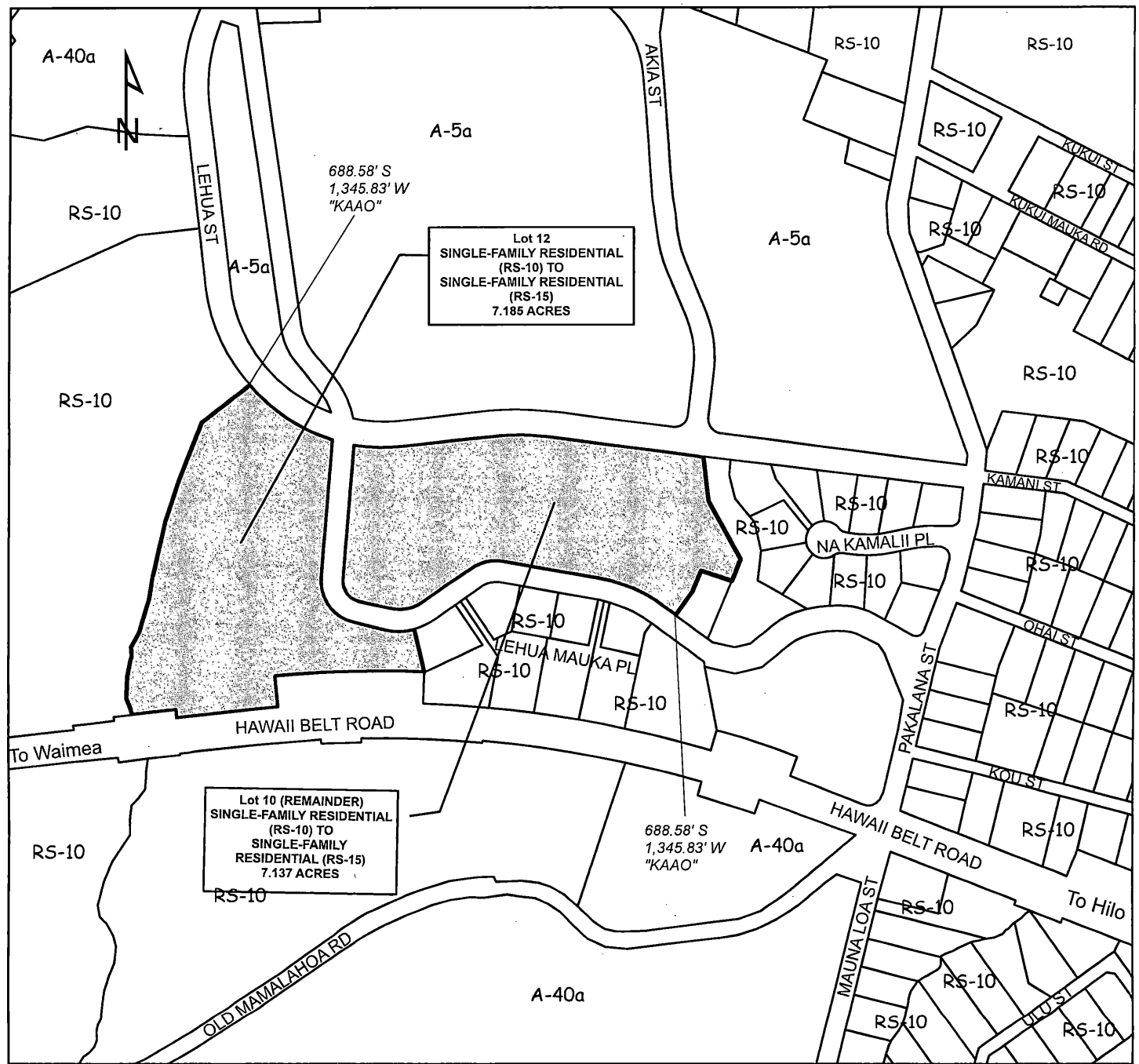
INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAI'I

Hilo, Hawai'i
Date of Introduction: October 19, 2022
Date of 1st Reading: October 19, 2022
Date of 2nd Reading: November 2, 2022
Effective Date: November 17, 2022

REFERENCE Comm. 973



AMENDMENT TO THE ZONING CODE

AMENDING SECTION 25-8-15 (HAMAKUA DISTRICT ZONE MAP) ARTICLE 8, CHAPTER 25 (ZONING) OF THE HAWAII COUNTY CODE 1983 (2016 EDITION, AS AMENDED), BY CHANGING THE DISTRICT CLASSIFICATION FROM SINGLE-FAMILY RESIDENTIAL (10,000 SQUARE FEET) (RS-10) TO SINGLE-FAMILY RESIDENTIAL (15,000 SQUARE FEET) (RS-15) AT HONOKAA, HAMAKUA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: (3) 4-5-010:136; (3) 4-5-024:010

DATE: July 29, 2022

EXHIBIT "A"

Lehua Village Partners LLC.
Map: 1446

OFFICE OF THE COUNTY CLERK
 County of Hawai'i
 Hilo, Hawai'i

COUNTY CLERK
 COUNTY OF HAWAII

2022 NOV 18 PM 12:36

Introduced By: Ashley L. Kierkiewicz (B/R)
 Date Introduced: October 19, 2022
 First Reading: October 19, 2022
 Published: October 28, 2022

REMARKS: _____

Second Reading: November 2, 2022
 To Mayor: November 14, 2022
 Returned: November 18, 2022
 Effective: November 17, 2022
 Published: December 2, 2022

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas	X			
	9	0	0	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Chung	X			
David	X			
Inaba	X			
Kāneali'i-Kleinfelder	X			
Kierkiewicz	X			
Kimball	X			
Lee Loy	X			
Richards	X			
Villegas	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

Approved/Disapproved this 17th day
 of November, 2022.


 MAYOR, COUNTY OF HAWAII


 COUNCIL CHAIRPERSON


 COUNTY CLERK

Bill No.: 207
 Reference: C-973/PC-79
 Ord No.: 22 114